

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney

3 DOUGLAS SPRAGUE (CSBN 202121)
4 Chief, Criminal Division

5 DENISE MARIE BARTON (MABN 634052)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7359
10 Facsimile: (415) 436-7234
11 denise.barton@usdoj.gov

12 Attorneys for Plaintiff

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) CR No. 03-07-70348 BZ
18 Plaintiff,)
19 v.) STIPULATION AND [PROPOSED] ORDER
20 GILSON ARAUJO aka GILVAN) EXTENDING THE TIME LIMIT FOR THE
21 LEANDRO THOMAZELE,) PRELIMINARY HEARING AND
22 Defendant.) EXCLUDING TIME
23
24 _____)

25 On June 22, 2007, the parties appeared before the Court and stipulated that time should
26 be excluded from the Speedy Trial Act calculations from June 22, 2007 through July 10, 2007.
27 Further, counsel for the defendant waived the defendant's right to a preliminary hearing within
28 20 days, pursuant to Fed. R. Crim. P. 5.1(c), (d).

29 The parties now stipulate and request that the Court enter an Order that the Preliminary
30 Hearing be removed from the July 10, 2007 calendar and be continued until July 30, 2007 and
31 that time should be excluded from the Speedy Trial Act calculations from July 10, 2007 through
32 July 30, 2007 for effective preparation of counsel.

33
34 STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY
35 HEARING AND EXCLUDING TIME- CR 03-07-70348 BZ

The Government is in the process of preparing and providing discovery to the defendant. Further, counsel for the Government and defense counsel are currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is within his client's best interest to hold a preliminary hearing within 10 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties represent that granting this continuance is necessary for effective preparation of counsel to permit defense counsel to review discovery and to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO STIPULATED.

SCOTT N. SCHOOLS
United States Attorney

DATED: July 9, 2007

/s/
DENISE MARIE BARTON
Assistant United States Attorney

DATED: July 9, 2007

/s/
ALAN DRESSLER
Attorney for GILSON ARAUJO aka
GILVAN LEANDRO THOMAZELE

IT IS SO ORDERED.

The Preliminary Hearing shall be removed from the July 10, 2007 calendar and be continued until July 30, 2007. For the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from July 10, 2007 through July 30, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, taking into account the exercise of due diligence, and would

1 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B).

2
3
4 DATED: 7-9-07
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY
HEARING AND EXCLUDING TIME- CR 03-07-70348 BZ